

FARMINGTON CITY PLANNING COMMISSION

Thursday, July 31st, 2008

PLANNING COMMISSION FIELD TRIP

Members of the Planning Commission met at the Village at Old Farm at 6:00 p.m. to discuss a sidewalk waiver request from Jono Gardner located on the northern property line at 1537 N. Main Street. No recommendation regarding the request was made at that time. The Commission also traveled north to the Somerset Street intersection to view that area related to the proposed Zion's Bank and future commercial development. Those present included Chairman Kevin Poff, Commission Members Randy Hillier, Craig Kartchner, John Bilton, and Paul Barker.

PLANNING COMMISSION STUDY SESSION

Present: Chairman Kevin Poff, Commission Members Randy Hillier, Craig Kartchner, John Bilton, Paul Barker, Alternate Planning Commissioner Jim Young, Assistant City Planner Glenn Symes, City Planner David Petersen and Recording Secretary Jenny Slabaugh. Planning Commissioner's Steven Andersen and Rick Wyss were not in attendance.

Chairman Poff began the discussion at 6:55 p.m. The following items were reviewed:

(Agenda Item #2b): Jared Darger – Applicant is requesting a recommendation for Final Plat and Final PUD Master Plan for Meadow View Planned Unit Development. The PUD is located at approximately 425 North 1525 West and contains 22 units. (S-4-07).

Dave Petersen reviewed this Agenda item for the Planning Commission and told the Commission the two different options they have for this applicant. 1) That they can give the applicant approval for Final Plat and Final PUD Master Plan the way it is or 2) They can tell the applicant that he needs to provide more information.

The meeting adjourned at 7:00 p.m.

PLANNING COMMISSION REGULAR SESSION

Present: Chairman Kevin Poff, Commission Members Randy Hillier, Craig Kartchner, John Bilton, Paul Barker, Alternate Planning Commissioner Jim Young, Assistant City Planner Glenn Symes, City Planner David Petersen and Recording Secretary Jenny Slabaugh. Planning Commissioner's Steven Andersen and Rick Wyss were not in attendance.

Chairman Poff called the meeting to order at 7:05 p.m. **Chairman Poff** offered the invocation.

Chairman Poff briefly discussed the Planning Commission's visit with the Farmington City Fire Department. He stated that the meeting was very informative. **Randy Hillier** said that he also felt that the meeting was very informative and that he now has a better understanding of the Fire Department.

APPROVAL OF MINUTES (Agenda Item #1)

Changes were made to the minutes from the July 10th, 2008 Planning Commission meeting by **Chairman Poff**, to the first paragraph on page (16) in reference to Park Lane.

Chairman Poff said that the proposed density exceeds that allowed by TOD ordinances. **Paul Bringham** disagreed. There was a discussion of the issue, and the impact of the nearby fairgrounds on this project. **Chairman Poff** wanted these following two points to be included from the discussion.

- The density has traditionally been measured using the entire project in a PUD and on that basis the density met the ordinance.
- The use of the fairgrounds should not be impeded in anyway because of the addition of nearby residential units.

John Bilton also wanted more information added to page (16) of the minutes from the July 10th, 2008 Planning Commission meeting about both sections of Chapter 18 in reference to the America West Development. **Commissioner Bilton** also wanted Paul's comments about West Side Development to be better characterized in the minutes. He said that there was a question asked that evening from the Commission members about the current infrastructure, water and sewer, does it support the density. The answer was No. He also stated that that there was mention about impact fees specific to this America West Development.

Chairman Poff said that there was a comment made by **Dave Petersen** on page (8) of the minutes from the July 10th, 2008 Planning Commission meeting stating that a letter had been distributed from a nearby resident, Nicole Green. **Chairman Poff** wants the contents of this letter to be added to the minutes for July 10th.

John Bilton wanted to make sure that on page (6) of the minutes from July 10th, 2008 that more information is added in reference to Village at Old Farm and the NMU ordinance in regards to the Plan Center Development. He said that it was mentioned from the Commission in the July 10th meeting that they want to see a comprehensive theme for the Plan Center Development in the NMU ordinance. He also said that at the July 10th meeting the Commission referenced a letter dated June 27, 2007 and that the contents of that letter need to be mentioned in the minutes. Specifically, that the

Commission needs to meet the requirements of the previous approvals that have been given specific to the NMU/Village at Old Farm.

Chairman Poff said there was a typo on page (15) of the July 10th, 2008 minutes in the third paragraph. The 4th line down should read “future ordinance issue was closed instead of what it currently reads which is “us” where “was should be inserted.

Chairman Poff also corrected a typo on page (8) of the July 10th, 2008 Planning Commission meeting minutes. In the motion that **Steve Andersen** made at the bottom of

the page, #2 should have the word “screened” inserted rather than the way it currently reads which is just “screen”.

Motion

Jim Young moved to table approval of the minutes from the Planning Commission meeting on July 10th, 2008 to the next Planning Commission meeting which will be held on August 14th, 2008. The motion was seconded by **Paul Barker** and was passed unanimously.

CITY COUNCIL REPORT (Agenda Item #2)

Glenn Symes reported the proceedings of the City Council meeting held on July 15th, 2008. He covered the following items:

- Zone change and schematic plan for the Pleasant Hollow Subdivision. The City Council did approve the zone change from AE to R.
- They also looked at the Nicholl’s Nook PUD and that was for Preliminary Plat Approval and Preliminary PUD Approval and they did approve both of these items.
- They also looked at the Tuscany Village Community overlay and the Council agreed with the Commission that the architectural style change was very nice and they gave the overlay approval.
- The Council also looked at the Chapter 39 Historic Buildings and Sites, which they also approved with a few small changes that need to be made.

JARED DARGER- APPLICANT IS REQUESTING A RECOMMENDATION FOR FINAL PLAT AND FINAL PUD MASTER PLAN FOR MEADOW VIEW PLANNED UNIT DEVELOPMENT. THE PUD IS LOCATED AT APPROXIMATELY 425 NORTH 1525 WEST AND CONTAINS 22 UNITS. (S-4-07) (Agenda Item #2b)

Chairman Poff introduced this Agenda item and then turned the time over to Staff.

Dave Petersen displayed a slide of the development plan. He then showed the Commission the packet material where it lists different options for motions and findings. He talked specifically about condition #3 which has not yet been met.

The applicant **Jared Darger**, 15757 South Backsaddle Dr., Bluffdale, Utah 84065, then addressed the Commission. He stated that he has talked to the developer, Howard Kent and that the developer has verbally agreed to grant him an easement to go through the land. He also said that he has talked with Benchland Water to make sure that the water is adequate for the development that he is building. He said that now he just needs to get approval from the Commission to move forward and that an approval is beneficial to the Commission because it will change the growth system.

Chairman Poff turned the time over to the Commission for discussion and he stated that because this road is to be a relatively busy connector that the Commission has requested that the driveways allow for forward entrance onto the street. **Chairman Poff** then recommends that this be condition #5 on any motion; that driveways allow for forward entrance onto the street.

John Bilton then asked if there are sewer district requirements for the road, so that they can get on top of manhole covers. Is there a certain standard that needs to be met? The answer was given by Farmington City Engineer, **Tammy North**, which was road base and gravel as per sewer standards.

Chairman Poff then invited the Commission to make a motion.

Motion #1

Craig Kartchner moved that the Planning Commission recommend Final Plat approval to all applicable Farmington City Development Standards and Ordinances, conditions of Final PUD Master Plan approval, Preliminary Plat approval and the following:

1. Improvement drawings, including grading and drainage plan must be reviewed and approved by the City's planning, public works, and fire departments, the City engineer, CDSD, Benchland Water and the City storm water official.
2. The applicant must update the plat to address comments received from the aforementioned personnel and reviewing agencies.
3. The applicant must receive approval for all off-site utility plans for sewer and secondary water connections and must secure the necessary easements for the placement of such utilities from the affected property owners and shall not make any significant modifications to the approved plans without the approval of Central Davis Sewer District and Benchland Water.

4. All conditions of the Preliminary Plat approval shall become conditions for Final Preliminary Plat approval.
5. The applicant must demonstrate to the satisfaction of the City and property owners within the subdivision shall construct a drive which will allow vehicles to enter traffic on the minor collector moving forward and not backing.

Paul Barker seconded the motion which passed unanimously.

Motion #2

John Bilton moved that the Planning Commission recommend that the City Council approve the Final PUD Master Plan subject to all applicable Farmington City Development Standards and Ordinances, conditions of Final Plat Approval and the following:

1. The applicant must enter into a Development Agreement with Farmington City for final approval.
2. The applicant must update the landscape and maintenance plan to address comments received from staff.
3. The proposed architectural shall be the minimum standard for architecture in the PUD and no more than 10% of the homes in the PUD shall have a garage that is greater than 30% of the house frontage.
4. Improvement drawings, including grading and drainage plan must be reviewed and approved by the City's planning, public works, and fire departments, the City engineer, CDSO, Benchland Water and the City storm water official.
5. All conditions of the Preliminary PUD Master Plan shall become conditions of Final PUD Master Plan approval.

Jim Young seconded the motion which passed unanimously.

Findings:

1. The plan provides for a minor collector linking the northwest area of Farmington west of the UTA railroad tracks with 1525 West as shown on the City's Master Transportation Plan and will eventually increase public safety in the areas by enabling the closure of two unsafe railroad crossings. One crossing is on 1525 West and the other is on Burke Lane.
2. The proposed layout provides a more pleasant and attractive living environment than a conventional development because: a) open space is provided at both entry ways into the project, b) a trail is being established to allow pedestrian access to a

- possible future park in the Farmington Ranches subdivision southwest of the site, c) the architectural design of dwellings in the PUD will minimize the garage-like appearance as compared to dwellings found in other subdivisions, and d) the
3. Planning Commission is requiring a landscaping/maintenance plan for the open space areas.
 4. The plans are consistent with the findings of the Preliminary Plat and Preliminary PUD Master Plan approvals.

DWIGHT POULSON – (PUBLIC HEARING) – APPLICANT IS REQUESTING A RECOMMENDATION OF APPROVAL FOR MINOR SUBDIVISION PLAT APPROVAL FOR A FLAG LOT ON PROPERTY LOCATED AT 1266 NORTH MAIN STREET (S-4-08) (Agenda Item #3)

Background Information

General: The application is for a lot split flag lot on property approximately 0.68 acres at 1288 North Main Street. The subject property and the property directly adjacent to the north are owned by Dwight Poulson. The request is for a recommendation for approval of a minor subdivision plat for the creation of a flag lot subdivision. Schematic plan approval was granted in spring 2008 with the condition that all three properties (the original lot south of the stem, the lot north of the stem and the flag lot) would use the flag lot stem for primary ingress and egress from Main Street. The existing homes on both the northern and southern lots would remain with the new lot created behind the southern property.

During the schematic plan review, it was determined that a minor subdivision plat process should be undertaken with the purpose of memorializing the use of the flag lot stem as primary access for the three lots on the recorded plat. The other alternative was a metes and bounds subdivision that would not require a recorded plat and may leave questions with regard to stem access. In addition, a request was made for a waiver of the conservation subdivision requirements with this subdivision. The City Council approved the requested waiver.

END OF PACKET MATERIAL

Chairman Poff introduced this Agenda item. **Glenn Symes** then stated that this is a request for recommendation of approval for a minor subdivision plat for flag lot subdivision. He also stated that there was some concern about the drainage ditch on the back, which has been addressed and memorialized on the Plat. He also talked about concern for a fire truck turn-around, and that the plat needs to meet the requirement for this purpose.

Chairman Poff asked if the only difference between this and what the Commission did earlier is the fact that they would like it recorded as a Subdivision Plat rather than what the Commission did the first time. **Mr. Symes** said yes.

Public Hearing Opened

Chairman Poff opened the meeting to a public hearing at 7:30 p.m. and invited public comments.

Robert M. Flynn, 1291 Meadowbrook Court, Farmington, Utah 84025, addressed the Commission. **Mr. Flynn** lives next to this drainage system and said that his property flooded twice last year because of this drain being blocked. **Mr. Flynn** also wants to make sure that whatever ends up being developed on this land doesn't hit this drain and stop the water from draining. He also said that there is another drain at the North end that is about five feet higher than the drain on his property, so this drain on the North end tends to get five feet of standing water at times, which worries him in regards to his children's safety.

Tammy North stated that the small drainage pipe that goes along the back of the lot will be cut off completely and that the drainage where the overall pond drains down, they will make the orifice. The part that limits the amount of water that comes out, they are going to make it larger so that more flow can get out of the main drainage way.

Tammy North also told **Mr. Flynn** that this is part of the original design of that subdivision. It was part of the conditions that they always have wetlands there. The Army Corp. required that the water be higher to preserve those wetlands. This drain was placed higher so that it will always be wet, but it will also drain out.

Mr. Flynn said that he is concerned that this drain cannot drain completely out if it is always higher.

Chairman Poff asked who would have to approve moving the ditch. He also wanted to know why we are requiring a drainage easement if the water is not going to drain out that way anymore.

Tammy North said the reason they are still requiring a drainage easement was because they were still working it out.

Chairman Poff asked if a drainage easement is still needed if it is not going to drain anything.

Tammy North said no.

Chairman Poff suggested that maybe **Mr. Flynn** should discuss his questions with Staff.

Chairman Poff asked **Tammy North** if they should keep the easement in the conditions just incase. **Tammy North** said there is no harm keeping it in the conditions at the moment because it can be vacated at a later date.

Public Hearing Closed

Chairman Poff closed the public hearing at 7:45 p.m. and asked the Commission for their comments.

Motion

Paul Barker motioned that the Commission recommend Minor Subdivision Plat Approval of the proposed flag lot with the following conditions:

1. The applicant will continue to work with staff to meet all requirements for a minor subdivision plat to be recorded with the Davis County Recorder;
2. The proposed subdivision shall meet all applicable requirements of the flag lot ordinance;
3. The stem of the flag lot be a shared access for the flag lot and the original lot South of the stem and the lot North of the stem remaining after the lot split;
4. That the Fire Chief's requirements be met for access and turn-around areas;
5. A 20' drainage easement abutting the entire length of the eastern boundary of the proposed flag lot must be granted to the City.

Craig Kartchner seconded the motion which passed unanimously.

Findings:

- a) The narrow parcel east of the site is steep (it was an embankment for the old Bamberger right-of-way) and now it is common area for the Hidden Meadows subdivision. For these reasons access to Hidden Meadow Way is impractical and the parcel cannot be subdivided any other way.
- b) The subdivision is in keeping with the General Plan's low residential densities;
- c) The proposed lot split meets all of the requirements of the flag lot ordinances as well as the standards for a minor subdivision plat.
- d) The proposed minor subdivision is in keeping with the character of the surrounding area.

FARMINGTON CITY – (PUBLIC HEARING): CONSIDERATION OF A ZONE CHANGE FORM R-2 (MULTI-FAMILY RESIDENTIAL) TO R (RESIDENTIAL) ON 9.18 ACRES AT APPROXIMATELY 1200 SOUTH 200 EAST (FARMINGTON BAY SUBDIVISION) (Z-3-08) (Agenda Item #4)

Background Information:

Farmington City received a request from Kyle and Karen McMullin, and Bart and Gwen Hill, to rezone the subject property from R-2 to R (see enclosed letter addressed to the Planning Commission dated July 1, 2008). The Farmington Bay Subdivision, Plat 1, initially and still zoned R-2 was recorded on June 20, 1978. Two-family dwellings were a permitted use in the R-2 zone then and now. Apparently, in an effort to maintain an all single-family project, the developers of Farmington Bay recorded restrictions prohibiting two-family dwellings. Regarding residential uses, staff verified that the City did not limit any zone district in the community exclusively to single family dwellings prior to the date that Farmington Bay was recorded. Hence, predominately single family subdivisions and planned unit developments in other parts of Farmington are also zoned R-2 such as Shepard Creek Country Estates and Farmington Orchards north of Compton Bench, Somerset Farms and Somerset Hollow in north Farmington, Oakridge Farms in Oakridge, Floral Grove in central Farmington, parts or all of Continental Estates, Lakeview Hills, Neuman, and Oak Lane subdivisions located near the cemetery, and Hillside Meadow in south Farmington.

It appears that the City Council enacted an R-1 zone on May 3, 1979, following the recommendation of the Planning Commission on March 20, 1979. The R-1 zone prohibited two-family dwellings. Later the City increased the lot size in the R-2 zone (and the R-S zone later renamed LR) from 8,000 s.f. to 10,000 s.f. Meanwhile, the lot size in the R-1 zone remained at 8,000 s.f. and the City changed the name to the R-1-8 zone (i.e. the "8" means 8,000 s.f.). The City eventually renamed R-1-8 zone to "R".

END OF PACKET MATERIAL

Chairman Poff introduced this Agenda item and then turned the time over to Staff.

Dave Petersen showed a vicinity map that was included in the Commission's packet. He said that the subdivision was platted in 1978 and that at the time R2 was the most restrictive zone in the city. It allowed for two family dwellings and single family dwellings. He said that there was no zone at the time that allowed for only single family dwellings. **Mr. Petersen** said that the developer of this subdivision realized this and so he recorded some private covenants restricting the subdivision to single family dwellings.

Dave Petersen said that the Mayor in the past had asked the City Planner's to rezone all of the R2 subdivisions to single family solely, but that it has never been done. He also said that Staff feels that this request by the applicant has been warranted and would recommend that the Commission recommend to City Council to approve this to be an R zone.

Public Hearing Opened

Chairman Poff opened the meeting to a public hearing at 7:50 p.m. and invited public comments.

Duane Jacobs, 1162 South 120 East, said that this is a wonderful subdivision and that the residents there are settled in and they are good people. He also said he has spoken to some of his neighbors and out of the ones he has spoken to, two thirds of them oppose this proposition. He said he thinks that the neighborhood should be left alone and that they don't need anymore restrictions.

Kyle McMullin, 1204 South 120 East, Farmington, showed some pictures to the Commission of different homes in his neighborhood. He also said that he is requesting a zone change because there are some things going on in some of the homes in the subdivision that are in violation of Farmington City ordinances. He said one house in the subdivision is a rooming house where rooms are being rented out to individuals. He also said that there is a home that has been used as a duplex and there are parking issues involved there. **Mr. McMullin** said that the homes in this neighborhood are single family homes and should be maintained this way. He also said that the CC&R's for this subdivision have expired.

Dave Petersen passed out two letters that go along with this Agenda item to the Commission.

Bart Hill, 1247 South 120 East, Farmington, said that this subdivision was intended to be a single family subdivision and that it should be preserved. He brought a petition with him with 25 signatures from the Subdivision and surrounding area of people who have signed in favor of the zoning change. He asked the Commission to consider the history and the intent of this subdivision as a single family neighborhood.

Geri Allen, 736 Moon Circle, Farmington, told the Commission that she would like her neighborhood to be rezoned from R-2 to R for single family dwellings only.

Chairman Poff explained to **Ms. Allen** that this Agenda item only applies to this particular subdivision and that she would have to write a letter to the City to express her concerns about her subdivision.

Joan Maillot, 152 East 1235 South, Farmington, said that she lives in this subdivision and that she has friends living in her lower level, but that they do not pay rent. She also said that she built a kitchen in her lower level and had it inspected by the City. She said that her friends that live with her park in her driveway at her suggestion. She is hoping that her home will fall under a "Grandfather Clause" so that her friends can continue living with her.

Zach Rasmussen, 137 East 1190 South, Farmington, is also a resident in this subdivision. He and his wife own their home and have her brother living with them as

well. **Mr. Rasmussen** said that he thinks the parking issues will not be resolved if the zoning is changed to R. He said that this is a great neighborhood and if it's not broken, don't try to fix it.

Public Hearing Closed

Chairman Poff closed the public hearing at 8:17 p.m. and turned the time over to the Commission for discussion.

John Bilton said that individual neighborhoods need to keep CC&R's up to date and enforce them. He reminded everyone that there are two sides to this issue to remember when making a decision.

Randy Hillier asked that if the CC&R's have expired and this is an R-2 zone, then isn't multiple family occupancy technically allowed. If the Commission did make this change, how would those properties be affected?

Dave Petersen said that he didn't know of any two family dwellings that have been approved in this area yet. He also said that if anyone is running a duplex then they are doing it illegally. A building permit is required and there are changes that need to be made to the home to meet code, two furnaces etc...

Chairman Poff asked if it is okay to have guests living in the home who are not paying rent.

Dave Petersen said guests who are not paying rent but living in the home may be okay.

Randy Hillier said that nothing would really change if this subdivision were rezoned other than duplex alterations not being allowed to be made to homes in this subdivision.

Paul Barker thinks that if there was a zoning change, the only home that it would have an adverse effect upon would be the home that is being operated as a rooming house.

Dave Petersen said that rooming/boarding houses are illegal in any residential zone in Farmington.

Chairman Poff said that even with a rezone he doesn't think that it will change the situation much. With the exception; if there is a home being operated as a rooming house where rent is being paid.

Randy Hillier said that he can understand why the McMullins would want to approach this issue and that he would support a change in this situation.

Paul Barker asked Dave Petersen if he thinks that this neighborhood is more compatible with as R zone?

Dave Petersen said yes and that R did not exist until 1979, so it was not an option when these homes were built.

Jim Young thinks that the Commission should do what they can to protect property and the intent of the uses of those properties, and prevent them from sliding into decline. He also said that he would support the rezone.

Motion

John Bilton moved that the Planning Commission recommend the City Council rezone the Farmington Bay, Phase 1, subdivision as requested with findings 1, 3, 4 (a and b only), 5 and 6, as stated in the attached letter from Kyle McMullin, inclusive of findings 7, 8, and 9 in Staff reports. **Randy Hillier** seconded the motion which was unanimously approved.

Findings:

Findings 1, 3, 4 (a and b only), 5 and 6 of the letter from Kyle and Karen McCullin and Bart and Gwen Hill dated July 1, 2008; and findings 7, 8 and 9 in staff reports.

1. Such a change assures the preservation of a development consistent with intended uses, original architecture, parking availabilities, and neighboring areas.
3. This will place the City's zoning in conformance with the majority of current use.
4. Such a change will not be materially detrimental to the public welfare nor the property of other persons located in the vicinity thereof because:
 - a. The properties immediately North, West and South are currently zoned R.
 - b. The owners accepted title subject to the single family restrictions.
5. Such changes will be advantageous because:
 - a. It will codify the previous agreements of the declarant and the owners.
 - b. It will limit the traffic and parking to the single family standard and expectations.
 - c. The properties typically do not provide adequate off street parking for multiple family vehicle parking.
6. The R-2 zoning as the most restrictive zoning available in Farmington City at the time the property was rezoned from agricultural to residential.
7. The subdivision is more compatible with the R zone designation because 17 of the 30 lots in the subdivision are less than 10,000 s.f. in size. The minimum lot size for new subdivisions in the R zone receiving a waiver from conservation requirements is 8,000 s.f. The minimum lot size in the R-2 subdivision is 10,000

- s.f. which is often able to accommodate two family dwellings--including parking needs. The smaller lot size in the R zone is not.
8. The City recently prohibited two-family dwellings but approved “secondary dwellings” as a use in the in the LR zone, and at the same time expressly prohibited “secondary dwellings” in the R zone reaffirming the district as an exclusive single-family zone.
 9. The zone change is compatible with the General Plan which states as a goal to “maintain Farmington as a peaceful, family-oriented, pastoral community through enforcing strict Zoning Ordinances and covenants, architectural standards, and density restrictions”.
 10. To encourage the City to be active in the enforcement of the zoning regulation for R (Residential).

Jim Young added finding number ten for Agenda item #4 wanting to ensure that the City enforces zoning regulations.

GARDNER DEVELOPMENT – (PUBLIC HEARING): APPLICANT IS REQUESTING CONDITIONAL USE AND SITE PLAN APPROVAL FOR A PROPOSED ZION’S BANK IN THE VILLAGE AT OLD FARM DEVELOPMENT AT APPROXIMATELY 1700 NORTH MAIN STREET (C-3-08). THE APPLICANT IS ALSO REQUESTING A RECOMMENDATION FOR FINAL PLAT APPROVAL FOR A MINOR SUBDIVISION DIVIDING THE ZION’S BANK SITE FROM THE REMAINING PORTION OF THE DEVELOPMENT AREA (S-05-08) (Agenda Item #5)

Staff Report from July 10, 2008

Site Plan

The applicant is requesting a site plan approval and requesting a recommendation for final plat approval for a Zion’s Bank site within the Village at Old Farm development site. This site plan approval request constitutes phase 1 of the commercial portion of the development.

The site plan itself was required to adhere to the standards adopted for the NMU zone. Some of the standards the site plan was required to meet were larger setbacks from Main Street, additional landscaping requirements along the Main Street right-of-way, a prohibition of parking between the building and the street (Main St.) and a buffer from the adjacent residential development to the south. The larger setback associated with Main Street was a result of a desire to limit the exposure of commercial facilities to Main Street and the residential area to the east of the Village at Old Farm development. As a result with this requirement as well as requirements for additional landscaping and parking restrictions. The “front” of the building remains toward Main Street with the drive-up lanes to the west of the building. In addition to the ordinance requirements, screening measures for dumpsters and rooftop equipment and aesthetic and architectural standards were reviewed by staff. Additional landscaping was proposed for the trash

enclosure and ground-mounted mechanical equipment for better screening and the exterior of the proposed building is comprised of a “Farmington Rock” finish.

The site on which the applicant is proposing the bank will be excavated extensively from its current condition. The property, as it is now, has a house set out on a grade equal to the street right-of-way. The proposed grading will remove the elevation and drop the site to an elevation that more closely matches the elevation to the north and south of the existing home. The grade change will place the proposed building between 10 and 12 feet below the street right-of-way. The elevation change requires the City to more closely look at rooftop mechanical equipment and the aesthetics of the rooftop itself. Staff has spoken with the applicant and made them aware of the concerns and staff is proposing a condition that all rooftop mechanical equipment be screened.

The City Engineer has reviewed the plan and the adjacent intersection and has determined that a slight reconfiguration and re-striping is needed to facilitate the development. The intersection of Somerset and Main Street will need dedicated left-turn lanes for maneuvers from Main Street to both the east and west. In addition, the engineer has determined that space for an additional two lanes may be required along Main Street and that the necessary area should be dedicated with the recordation of the plat.

Final Plat

The applicant is also requesting a recommendation for approval of a Final Plat for the creation of one lot on which to place the bank. The master plan for the area has been approved by the City and the location and potential subdivision of this property has been anticipated. A schematic plan approval is not necessary as this has been presented with the original plan for the Village at Old Farm development.

END OF PACKET MATERIAL

Chairman Poff introduced this Agenda item and turned the time over to Staff. **Glenn Symes** briefly said that this Agenda item was continued from the July 10th, 2008 Planning Commission meeting. The reason it was continued was so that Staff could look into whether or not the applicant had met all of the conditions. **Mr. Symes** then said that the first issue to discuss is the road and the intersection and the other issue to be discussed is UDOT access.

Mr. Symes then reviewed the conditions from the Planning Commission and City Council because everyone did not have a copy of the Staff report to reference. These are the conditions he reviewed:

Conditions from the Planning Commission (April 26, 2007):

1. *The applicant must adequately address the issues of drainage for the property.*
This issue is being reviewed with the civil drawings associated with the site plan and staff shall determine when this is adequately addressed prior to final site plan approval.

2. *The applicant must adequately address any recommendations from the City's traffic engineer after a thorough review of the updated impact analysis. This condition will be more fully explored and explained at the July 31st meeting.*
3. *The applicant must address the right-in, right-out question with UDOT and have a final layout available for final approvals. The applicant has informed staff that a conditional approval has been granted from UDOT and documentation of such an approval will be available at the July 31st meeting.*
4. *The applicants should address the site amenities (open space, plaza and pedestrian walkway connection through the residential and commercial) in greater detail for Final Master Plan Approvals. The applicant has addressed these issues on the site plans submitted for the subject site.*
5. *The applicant must also comply with all conditions of the previous Preliminary Master Plan Approval granted by the City Council in January 2006. These items shall be addressed individually within this document.*
6. *The applicant should assure that the historic preservation of the Potter house is finalized and memorialized as part of the Final Master Plan Approval. The Potter house is to be protected as outlined in the Development Agreement for this project.*
7. *The entire project should be under on unified control and meet the planned center development requirements, as set forth in the NMU zone text. The applicants and the City are working to finalize the Development Agreement that would require a unified control of the entire project.*

January 25, 2006 City Council Conditions:

1. *The developer must received and comply with all conditions of preliminary plat approval required for certain portions of the project. The applicants are required to complete a minor subdivision plat for the subject application as there are fewer than 10 lots included with the proposed subdivision.*
2. *The applicant must receive approval from UDOT and provide access to the one-way frontage road/on-ramp adjacent to U.S. 89. The applicant has informed staff that a conditional approval has been granted from UDOT and documentation of such an approval will be available at the July 31st meeting.*
3. *The new middle turn lane on Main Street is recommended as proposed, but in order to reduce the aesthetic impact of the road improvements in the area, the developer must narrow the width of the shoulders and middle turn lane as approved by the City's traffic engineer without compromising the integrity of the*

traffic volume capacity of the road. The issue will be more fully explained at the July 31st meeting.

4. *The developer must study or explore the possibility of providing a two-way connection south of the Foxglove Center in front of the office buildings located in the Old Shepard Commons subdivision adjacent to U.S. 89 thereby increasing the “synergy” between the two centers. As part of this condition, the developer must received a recommendation from the City’s traffic engineer, Horrocks Engineers, and the study must consider, among other things, traffic impacts to Creek Lane. The residents on 900 West prefer that the street remain a dead-end street. This item has been addressed with the residential portion of the project and not the commercial phase that has been proposed with this application.*
5. *All storm water must be detained on site. Storm water facilities must be designed to City standards to meet the 25 year/10 hour storm. The landscaping for the site must meet the approval of the governing body. The storm water calculations shall be reviewed by the City’s storm water official and engineer to ensure compliance. The landscaping plan for the subject parcel is included with the application for the Commission’s consideration.*
6. *Final improvement drawings, including grading and drainage plans and a storm water pollution prevention plan (SWPPP) must be reviewed and approved concurrently with the final plat(s) and/or final development plan for the project by the Farmington City Public Works Department, City Engineer, Fire Department, Planning Department, FAPID, and CDSO. This shall be completed prior to final site plan approval.*
7. *If a round-about is chosen, the development must provide a free right hand turn lane from U.S. 89/Main Street into the project to accompany the round-about. A round-about was not chosen for Main Street.*
8. *The U.S. Army Corps of Engineers must approve activity of the developer that may disturb any wetlands on or adjacent to the site. The applicant has done necessary work to satisfy this condition.*
9. *Issues regarding the use of the Historic Potter home must be resolved prior to or concurrent with final site plan and/or final plat approval for that portion of the project. The Potter home is addressed in the Development Agreement.*
10. *The master or final development plan for the project and all matters related thereto must be memorialized as part of a development agreement between the developer and the City. This agreement must be recorded against the property prior to or concurrent with final plat approval of the project (or the first phase of the project) or site plan approval. A development agreement is being finalized between the City and the applicant.*

11. *The residential and commercial phasing must be approved by the governing body. This application constitutes an approval of the first commercial phase and requires approval of the Planning Commission.*
12. *The northern portion of the development must include a buffer that provides a residential-type feel along Main Street such as a single-story mansion home. The placement and massing of the proposed Zion's Bank building meets the requirements set forth in the NMU ordinance.*
13. *The traffic evaluation should carefully evaluate the area to make sure pedestrian safety is provided. Standard sidewalks and other pedestrian amenities as required are present on the site plan. Further study provided in the traffic studies may be available from the City engineer.*

END OF PACKET MATERIAL

Chairman Poff questioned condition number four from the Commission and wanted to know if it is just part of the site that the Commission is looking at tonight or is it the entire site? **Chairman Poff** said it was only fair to point out that as the original conditions were given the entire site was intended. He also said that he doesn't know that anyone expected all of the buildings to be built at once, but when talking about site amenities and so forth, that referenced the entire site.

Mr. Symes confirmed what **Chairman Poff** said, that this is not for the entire site.

Chairman Poff wanted to know in reference to condition number seven from the Commission, if the Development Agreement will cover the entire site and when it will all be finalized?

Dave Petersen said it will be final in the next few days.

Chairman Poff asked the applicant if he has the approval from UDOT in reference to condition number two from the City Council.

Jono Gardner, 90 South 400 West, SLC, from Gardner Development said that they do have the approval from UDOT. He said it took several different agencies to get the approval and that all three agencies have signed off on the approval. The only thing that remains is that they did an appraisal with an internal appraiser within UDOT who signed off on it and Gardner Development is still waiting this one signature.

Chairman Poff wanted to know when the applicant would receive this signature.

Jono Gardner said that they should be receiving this signature tonight.

Chairman Poff wanted to know if there is a sign-off on storm water for the entire site in reference to condition number five from the City Council.

Glenn Symes said that the applicant does not have a sign-off for storm water for the entire site, only for the Zion's Bank property.

Chairman Poff wanted to know at what point the detention basin needs to be put in?

Tammy North said that most of the detention basin has already been put in except for one small additional piece that hasn't been put in yet.

Chairman Poff wanted to know if the City has copies of the paperwork they needed in reference to condition number eight from City Council. **Dave Petersen** said the City does have copies of what they need.

Chairman Poff wanted to know if there is a plan for an expanded street treatment which was part of the original arrangement. (In reference to condition number 13 from City Council) **Chairman Poff** wanted to know specifically about the sidewalks along Main Street?

Jono Gardner said there will be a sidewalk with a shoulder and a split-rail fence.

Chairman Poff said he is concerned about safety issues and having pedestrians walk too close to the street.

Dave Petersen said that the Master Plan has the final plans for the sidewalk with a park strip in place.

Jono Gardner said that according to the Farmington City Traffic Engineer, in order to accommodate a turn lane of 12 feet, they are actually increasing the width of the road, so they also have to build a new sidewalk in this area.

Chairman Poff said that this is not what the original agreement intended and he thinks that having people right on a curb on Main Street as busy as it is, is a really bad idea. He wanted to know why there won't be a park strip.

John Bilton read some Main Street text from the NMU, "for Main Street to incorporate generous landscape park strip separating vehicular traffic from pedestrian traffic".

Jono Gardner wanted to let the Commission know where the applicant is in the Development Agreement. He said he has personally had numerous meetings with Dave and Max and it has been completed for two and a half to three months. **Mr. Gardner** said that they have agreed to maintain the Annie Rose historic home and they will not

tear it down. He also said that numerous studies have been done in regards to the intersection by the Zion's Bank and that the decision has been made by the Traffic Engineers to signalize the intersection to eliminate any safety risk when coming out of the Somerset subdivision. **Mr. Gardner** then said that the Development Agreement states that Gardner Development will cover all surface improvements and that the City will, through a reimbursement agreement, cover the signalization. These are the only two outstanding issues which have been resolved in the last few days.

Public Hearing Opened

Chairman Poff opened the meeting to a public hearing at 9:02 p.m. and invited public comments.

Matt Poulsen, 1732 North Main Street, Farmington, said that he has a problem with the architectural renderings for the Zion's Bank that is going to be built. He said that the renderings are of a commercial nature and that the flat roof is unattractive. He said that he doesn't think it is in keeping with what the residential nature or the intent of the zoning is. **Mr. Poulsen** referred to zoning text on page (7) 11-20-70 subsection (b). His other concern was a traffic light, which he said sounds like it has been addressed. **Mr. Poulsen** said his last concern is the historic Rose home. It is not secured and the public has free access to wander in and out. As a neighbor he is very concerned about this home and thinks it needs to be boarded up and secured.

Patricia Andersen, 671 Somerset Street, Farmington, also has concerns about the flat roof on the Zion's Bank. She would like to see the Development Agreement and she also wants to see the signatures on it before the developer gets approval to move forward on this project. She wants the developer to be responsible for the protection of Main Street. She would like the Commission to deny the applicants request tonight until all signatures are received and all conditions are met.

Amy Hayter, 1752 Ramsgate, Farmington, has concerns about the financial viability of the development at this point. She had noticed over the summer that work has not progressed in the residential phase of the site and she worries about things being completed in a timely manner. She questions the stability of the commercial side of the development and whether or not there will be tenants that can support the development.

Marcia Bennett, 870 West Somerset Street, Farmington, congratulated the Commission for doing their homework on the NMU text, she said it is reassuring. She said that as a neighbor she is concerned about the "piece meal approach". She doesn't want the development done in such small steps that the NMU at the end is not what it was in the beginning. **Ms. Bennett** talked about the 100 feet of buffer zone that was originally promised between the development and Main Street. She doesn't understand the retaining wall that will be placed in the development. She asked the newer Commission members to review minutes from Planning Commission and City Council meetings to understand the original intent of this project.

Chairman Poff told **Ms. Bennett** that the Commission did make a site visit to the development today before the meeting.

Public Hearing Closed

Chairman Poff closed the public hearing at 9:33 p.m. and turned the time over to the Commission for discussion.

Paul Barker said that he would like to hear a response from the applicant to the neighbors who expressed their concerns.

Jono Gardner said that there will be a 100 foot buffer zone between the development and Main Street.

Craig Kartchner asked if there will be landscaping by the retaining wall.

Jono Gardner said that this area will not be landscaped to keep the integrity of the wall and to keep the structure stable. He said that there will be landscaping up on top and a fence as well which will be maintained by the HOA. There will be a backyard between the walls.

Paul Barker asked about the flat roof on Zion's Bank and if this is a final rendering.

Jay Lems, 171 West Pierpont Ave., SLC, is from the architectural firm who designed the Zion's Bank and designed the renderings as well. He said that the building is clad with Farmington aesthetic rock and stucco and they have tried to maintain not a grossly oversized tall building.

Chairman Poff asked how much of the roof will be flat?

Jay Lems said that 40% will be flat and 60% will be gabled.

Randy Hillier asked if someone were across the street and looking out their window at the flat roof, what they would be looking at.

Jay Lems said they would be looking at white membrane roof.

Jim Young asked if the flat roof is an economic decision.

Jay Lems said that they utilize that flat part of the roof to conceal off mechanical equipment.

Randy Hillier asked if a building with an all pitched roof was ever considered.

Jay Lems said that the flat roof design is a standard design of Zion's Bank and the architecture firm takes into account what those design guidelines are.

Randy Hillier asked if Zion's Bank has any other standard plans that incorporate more of a pitched roof.

Jay Lems said that there are several plans available and that some do have pitched roofs, but they are of a different scalability.

Chairman Poff asked **Dave Petersen** if this design fits the overall Development Agreement for the whole North section.

Dave Petersen said that there are images he could show the Commission, but that he does not have the images here tonight. He also said that he can find out if this design meets the criteria.

Randy Hillier said he wouldn't want to look out of his second story window onto a flat white roof.

John Bilton asked if there is some security that can be provided for the Rose historic house.

Jono Gardner said that they can look into it. He said that he knows that it has been a problem in the past and that most of the residents would prefer that home be removed, but the Historical Society won't let it be torn down.

Randy Hillier asked if there is a fiscal analysis in the Development Agreement showing a Community and Economic Impact Analysis.

Jono Gardner said that they are still very financially capable of doing this project and they would be happy to prove this to the Commission if needed.

John Bilton asked about a time table for the residential portion of the development.

Jono Gardner said that they are way behind, but that they do have a plan. He said they will be laying asphalt down in the first to second week of August and that they are moving forward. He said that the delay has nothing to do with financial availability to move this project forward but that it has everything to do with trying to cater to a market that is very dynamic and continuing to change. **Mr. Gardner** also said that they have a handful of very interested tenants to occupy their buildings.

John Bilton said that he would like to see packet that explains the themes of the development that are congruent with what has been asked for in the NMU. Specifically a list of what the general plans are of the developer and a feel for what the buildings will look like.

Jono Gardner presented elevations to the Commission which show different views of the buildings and what they look like.

John Bilton asked about Mountain Road and the plan for this intersection?

Dave Petersen said that it is a free right.

Jono Gardner said this is currently UDOT property, but that there will be a signal there.

Chairman Poff asked **Dave Petersen** at what point should they require the Northern intersection. **Dave** said that he didn't know and that he would have to wait for Tim Taylor to tell them.

Jono Gardner said that the Development Agreement has been stalled by the City and that Gardner Development has been ready to sign and move on for a long time.

Chairman Poff said he doesn't think anyone in the Commission is opposed to having the Zion's Bank in the planned location. But all of their concern is making sure that they are not shortchanging the development, and this is why it is taking so much time to make decisions.

Chairman Poff said that there are some issues that are not quite there yet and the decision tonight is, are these issues important enough to stop it now or are these issues that the Commission feels competent that the City Council is willing and able to take on.

Randy Hillier said that he thinks the buildings are beautiful, but that the Zion's Bank design does not match the other buildings.

Chairman Poff wanted to know if the original Central Plaza idea has been dropped.

Jono Gardner said something will be there, but he doesn't know what yet.

Chairman Poff accepted one more public comment from **Daniel Bohman**, 824 White Hall Court, Farmington, who said that he thinks Zion's Bank will set the tone for the whole commercial development and that if inappropriately done it will detract from the neighborhood.

Motion #1

John Bilton moved that the Planning Commission approve a conditional use and site plan for a Zion's Bank, with the following conditions #1-4 as stated and adding a fifth and sixth condition:

1. All rooftop mechanical equipment shall be screened from view and shall not be visible from the raised elevation of Main Street.
2. The applicant completes all requirements for site plan approvals as well as all on-site and off-site improvements requirements to comply with City Engineer, Public Works, Fire Department, Planning Department, Storm Water Official, Central Davis Sewer District, and Benchland Water District. Any condition of site plan approval shall also become a condition of the conditional use approval.
3. All landscaping shall be installed as shown on the approved site plan.
4. The certificate of occupancy shall not be issued until the intersection improvements have been made as required by the City Engineer and all access roads have been paved.
5. The conditions #1-7 from the April 26th, 2007 Planning Commission meeting and the conditions #1-13 from the January 25th, 2006 City Council meetings be met.
6. The Zion's Bank come back with a pitched roof design that meets the requirements of the NMU ordinance and that City Staff be assigned to review that, and if it meets the requirements then City Staff can move it forward.

Conditions from the Planning Commission (April 26, 2007):

1. The applicant must adequately address the issues of drainage for the property.
2. The applicant must adequately address any recommendations from the City's traffic engineer after a thorough review of the updated impact analysis.
3. The applicant must address the right-in, right-out question with UDOT and have a final layout available for final approvals.
4. The applicants should address the site amenities (open space, plaza and pedestrian walkway connection through the residential and commercial) in greater detail for Final Master Plan Approvals.
5. The applicant must also comply with all conditions of the previous Preliminary Master Plan Approval granted by the City Council in January 2006.
6. The applicant should assure that the historic preservation of the Potter house is finalized and memorialized as part of the Final Master Plan Approval.
7. The entire project should be under on unified control and meet the planned center development requirements, as set forth in the NMU zone text.

January 25, 2006 City Council Conditions:

1. The developer must received and comply with all conditions of preliminary plat approval required for certain portions of the project.

2. The applicant must receive approval from UDOT and provide access to the one-way frontage road/on-ramp adjacent to U.S. 89.
3. The new middle turn lane on Main Street is recommended as proposed, but in order to reduce the aesthetic impact of the road improvements in the area, the developer must narrow the width of the shoulders and middle turn lane as approved by the City's traffic engineer without compromising the integrity of the traffic volume capacity of the road.
4. The developer must study or explore the possibility of providing a two-way connection south of the Foxglove Center in front of the office buildings located in the Old Shepard Commons subdivision adjacent to U.S. 89 thereby increasing the "synergy" between the two centers. As part of this condition, the developer must received a recommendation from the City's traffic engineer, Horrocks Engineers, and the study must consider, among other things, traffic impacts to Creek Lane. The residents on 900 West prefer that the street remain a dead-end street.
5. All storm water must be detained on site. Storm water facilities must be designed to City standards to meet the 25 year/10 hour storm. The landscaping for the site must meet the approval of the governing body.
6. Final improvement drawings, including grading and drainage plans and a storm water pollution prevention plan (SWPPP) must be reviewed and approved concurrently with the final plat(s) and/or final development plan for the project by the Farmington City Public Works Department, City Engineer, Fire Department, Planning Department, FAPID, and CDSO.
7. If a round-about is chosen, the development must provide a free right hand turn lane from U.S. 89/Main Street into the project to accompany the round-about.
8. The U.S. Army Corps of Engineers must approve activity of the developer that may disturb any wetlands on or adjacent to the site.
9. Issues regarding the use of the Historic Potter home must be resolved prior to or concurrent with final site plan and/or final plat approval for that portion of the project.
10. The master or final development plan for the project and all matters related thereto must be memorialized as part of a development agreement between the developer and the City. This agreement must be recorded against the property prior to or concurrent with final plat approval of the project (or the first phase of the project) or site plan approval.
11. The residential and commercial phasing must be approved by the governing body.

12. The northern portion of the development must include a buffer that provides a residential-type feel along Main Street such as a single-story mansion home.
13. The traffic evaluation should carefully evaluate the area to make sure pedestrian safety is provided.

Randy Hillier seconded the motion which passed unanimously with the exception of **Chairman Poff** and **Jim Young** who both voted in the negative.

Findings:

- a. The proposed use of the particular location is necessary and desirable and provides a service which contributes to the general well-being of the community;
- b. The proposed use complies with all regulations and conditions in the Farmington City Zoning Ordinance for this particular use;
- c. The proposed use conforms to the goals, policies, and principles of the Comprehensive General Plan;
- d. The proposed use is compatible with the character of the site, adjacent properties, surrounding neighborhoods and other existing development;
- e. The location provides or will provide adequate utilities, transportation access, drainage, parking and loading space, lighting, screening, landscaping and open space, fire protection, and safe and convenient pedestrian and vehicular circulation;
- f. The proposed use is not detrimental to the health, safety and general welfare of persons residing or working in the vicinity and does not cause:
 1. Unreasonable risks to the safety of persons or property because of vehicular traffic or parking;
 2. Unreasonable interference with the lawful use of surrounding property; and
 3. A need for essential municipal services which cannot be reasonably met.
- g. Jim Young and Kevin Poff voted “No” to this motion because they were not comfortable voting yes without seeing the new renderings for Zion’s Bank.

Motion

Craig Kartchner moved that the Planning Commission continue this meeting past 10:00 pm. **Randy Hillier** seconded the motion which passed unanimously.

Motion #2

Randy Hillier moved that the Planning Commission recommend approval of a final plat for the subdivision of one parcel for Village at Old Farm Commercial Phase 1 with the following conditions (1 & 2) as listed on the Staff report:

1. The applicant completes all requirements for final plat approval and complies with the requirements of the City Engineer, Public Works, Fire Department,

Planning Department, Storm Water Official, Central Davis Sewer District, and Benchland Water District;

2. Dedication of any required right-of-way as determined by the City Engineer shall be recorded on the plat at the time of plat recordation.

Jim Young seconded the motion which passed unanimously.

Recess

At 10:40 p.m., **Chairman Poff** called for a five-minute recess, which was seconded by **Craig Kartchner** and approved unanimously. After a short recess the meeting resumed at 10:48 p.m.

GARDNER DEVELOPMENT – PUBLIC HEARING – APPLICANT IS REQUESTING CONDITIONAL USE AND SITE PLAN APPROVAL FOR A TEMPORARY SITE FOR THE OPERATION OF A TEMPORARY ZION’S BANK LOCATION AT APPROXIMATELY 1700 NORTH MAIN STREET (TU-01-08) (Agenda Item #6)

Background Information

The applicant is requesting a conditional use permit and a site plan approval for the location and operation of a temporary bank site at the Village at Old Farm. The temporary site is proposed to facilitate temporary operations for the bank while the permanent structure is built. The site is proposed at the northwest corner of what will be the intersection of Somerset Drive and Main Street. The temporary site would include a temporary asphalt pad, an office trailer and access from a newly constructed private road accessing the larger development area. No access is requested from Main Street.

Chapter 28, Supplemental and Qualifying Regulations, of the Zoning Ordinance addresses temporary uses. Under the provisions of the ordinance, a temporary office requires Planning Commission review and an evaluation based upon conditional use standards. One of the notable requirements for a temporary use is the requirement that the use conform to the area setback requirements. The site plan, as proposed, may not be in full compliance with the standards set forth in the NMU zone and would need an exemption from the City Council. This procedure is also set forth in Temporary Use section of Chapter 28. Because this site may require an exemption to the setback requirements of the NMU zone, the Planning Commission may either approve the temporary use subject to Council exemption or may table the item until the Council has made a determination and reexamine the item after that point.

END OF PACKET MATERIAL

Chairman Poff introduced this Agenda item and then turned the time over to Staff. **Glenn Symes** said that the applicant is requesting conditional use and site plan approval. The particular site plan that the applicant submitted does not meet the 100 foot setback, one of the stipulations of a temporary site is that it meets all setbacks and

applicable zoning regulations. But, there is a provision in the supplementary and qualifying regulation section that allows the City Council to make an exception to that. So, **Mr. Symes** has put the condition on this conditional use approval that the Commission can approve subject to City Council approving that exemption.

John Bilton asked how close they are to the 100 foot requirement. **Mr. Symes** said they are within 70 or 80 feet.

Craig Kartchner asked how long this will be a temporary site. **Mr. Symes** said that six months is the maximum.

Chairman Poff invited the applicant to add anything he deems necessary to the Staff report.

Jono Gardner said that if the Commission thinks it is necessary to reach the 100 foot set back that they will work it out. He also said that because it is a temporary site he didn't think it was that necessary.

Public Hearing Opened

Chairman Poff opened the meeting to a public hearing at 10:45 p.m. and invited public comments.

Matt Poulsen, 1732 North Main, Farmington, said that he is not so concerned with the temporary building being 100 feet off the road, but that he is concerned about the traffic congestion in the area as they get the site prepared. He thinks that Zion's customers should just do their business at the Smith's Zion's instead of building a temporary location.

Chairman Poff told **Mr. Poulsen** that one of the conditions would be that the temporary site does not begin operation until all of the intersections and road improvements have been done.

Amy Hayter, 1752 Ramsgate, Farmington, said that she would love to see a representative from Zion's Bank to make an appearance and explain to her the pressing need for this temporary facility. She stated that Zion's has locations in Layton and Centerville, both of which are cities that Farmington residents frequent and could use. She worries about setting a precedent for tenants that come in down the road needing temporary facilities.

Closed Public Hearing

Chairman Poff closed the public hearing at 10:55 p.m. and turned the time over to the Commission for discussion.

Randy Hillier asked if the developer can move the site back to 100 feet, why was it out at 80 feet to begin with.

Jono Gardner said that he wishes that there was a great answer, and that it was just a good spot to put a temporary building.

Chairman Poff said that he was also curious as to why the developer would put in a temporary office when there is another Zion's close by at Smith's. He said it seems like a waste of money. **Mr. Poff** wanted to know what will become of this site once they are done needing the temporary Zion's.

Jono Gardner said that in keeping in accordance with the 100 foot setback, as Tammy has mentioned, this area just to the East where the parking lot is, will be turned into a detention basin to accommodate storm water. So it will be graded out, put into a detention basin and kept at a 100 foot distance. He also said it will be an open space detention basin and very seldom should it ever be wet.

Chairman Poff asked if anyone was going to address the "need" question, why this facility is needed?

Jim Young said that he that he felt that this question was addressed in the last meeting with Zion's; that they wanted to begin providing a wider range of services at this temporary site that they cannot provide currently at their Smith's location.

Randy Hillier said that he thinks it is not the Commission's business as to why Zion's is building a temporary site.

Chairman Poff said that if they are talking about a temporary building, the need is part of the reason whether or not the Commission lets it go.

Chairman Poff asked if they plan on immediately moving to the detention basin once the temporary location is gone.

Jay Lems said yes.

Chairman Poff then asked how long of a time frame are they looking at, how long will we be looking at an empty slab of concrete.

Jono Gardner said they will begin refurbishing the site right away.

Motion

Craig Kartchner moved that the Planning Commission approve a conditional use and site plan for a temporary use Zion's Bank, with the following conditions:

1. The Farmington City Council approves an exemption to the requirement for compliance with the NMU setbacks;
2. Permanent changes to the site shall be prohibited and when the temporary use ends the applicant shall restore the site to its original condition or incorporate changes made from the temporary use into an approved site plan for new construction;
3. The structure and use shall comply with all applicable standards with regard to building code, health code, ADA access, water, sewer and storm water.
4. The temporary use shall not begin operation until the intersection improvements have been made as required by the City Engineer and all access roads have been paved; and
5. The temporary office shall operate until an occupancy permit has been issued for the permanent building or for six (6) months, whichever comes first.
6. Applicant must provide a landscape plan to be approved by City staff.

John Bilton seconded the motion which was approved by all of the commissioner's except **Chairman Poff** who voted in the negative.

Findings:

- a. The proposed use is temporary in nature and serves as a temporary business office while the permanent office is under construction.
- b. The nature and intensity of the proposed use and the size and location of the temporary structure is compatible with existing and future development and uses in the area.
- c. The use is in compliance with the intent and allowable uses as approved within the NMU zone.
- d. Kevin Poff voted "No" to this request because he is concerned with the potential of unsightly leftovers when the temporary site is no longer needed.

FARMINGTON CITY – PUBLIC HEARING – CONSIDERATION OF A RECOMMENDATION TO AMEND CHAPTER 11 OF THE GENERAL PLAN REGARDING “FAMRINGTON COMMERCIAL CENTER” AND THE OTHER RELATED GENERAL PLAN TEXT AND MAP CHANGES, AND TO AMEND CHAPTER 18 OF THE ZONING ORDINANCE REGARDING THE TOD (TRANSPORTATION ORIENTED DEVELOPMENT) ZONE INCLUDING BUT NOT LIMITED TO RESIDENTIAL DENSITY, NON-RESIDENTIAL BUILDING SIZE, PERMITTED AND CONDITIONAL USES, AND PROJECT MASTER PLAN (PMP) CRITERIA INCLUDING, AMONG OTHER THINGS, STREET TYPE HIERARCHY AND STREET NETWORK DESIGN, BUILDING FORM AND SITE ENVELOPE STANDARDS, OFF-STREET PARKING, LANDSCAPE STANDARDS, AND OTHER VARIOUS CHANGES (MP-2-08) (ZT-3-08) (Agenda Item #7)

Dave Petersen said that it is late, being 11:05, and that Staff would not mind continuing the public hearing at a later time that is more convenient for everyone because of the importance of this Agenda item.

Chairman Poff said that he does agree that it is wise to give this Agenda item the time that it needs and he would not be opposed to postponing some of the discussion. He also asked if there is anyone from out of state.

Dave Petersen said that some people have said that they are moving too quickly or too slow on this Agenda item and that he thinks it just needs to be done correctly.

Chairman Poff said that one of the options is to hold a meeting just for this Agenda item at another time.

Dave Petersen suggested a special meeting be held next week.

Jim Young said that he prefers a special meeting where the Commissioner's are not tired and are fresh to discuss this important issue.

Motion

Paul Barker moved to continue a Public Hearing until August 7th, 2008 at 7:00 p.m. **Craig Kartchner** seconded the motion which passed unanimously.

ADJOURNMENT

John Bilton moved to adjourn. **Craig Kartchner** seconded the motion, which passed unanimously. The meeting adjourned at 11:20 p.m.

*Kevin Poff, Chairman
Farmington City Planning Commission*